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Kevin Gordon  
Environment Appeals  
The Planning Inspectorate  
Room 3/25 Hawk Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN  
*By email only*

**PINS Ref:** APP/EPR/15/437

26 August 2015

Dear Mr Gordon,

I write to make representations against the appeal submitted by Midland Pig Producers against the Environment Agency decision refusing an Environmental Permit for the proposed Pig Unit at Foston.

The grounds for appeal state that the appellant 'will demonstrate'; but no new information has been provided in the grounds, just a restatement of information provided with the original application. Without any indication of new information there can be no reason to change the original decision and no justification for holding an inquiry.

The grounds of appeal state that the development would use the 'most advanced measures currently available' and the 'best available techniques' to control environmental impacts. But this is not what EA were required to assess. They were required to consider the risks of unacceptable environmental impact, with the burden of proof on the appellant to satisfy the Agency that there would be 'adequate measures in place to prevent an unacceptable risk'. The most advanced measures available may well be insufficient to prevent unacceptable risks, particularly in the specific context of the proposal and the individual site. As the Agency clearly stated in their reasons for decision (copied by the appellant in the grounds of appeal), the appellant had not demonstrated that they could prevent unacceptable risks and no new evidence has since been provided.

The appellant also state that appropriate conditions could be attached to the granting of a Permit. They do not explain how any conditions could overcome the fundamental problem of the proximity of the site to the nearby residential properties and environmental receptors. Again, no new evidence has been provided to address the EA's explanation as to why they have not allowed the application with conditions.

**Royal Patron** HRH The Prince of Wales **President** Monty Don

**Chair** Dennis Overton OBE **Chief Executive** Helen Browning OBE

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In the absence of any new substantive evidence provided by the appellant, we rely on our original objections, set out most recently in our representations on the planning application (attached).

Yours sincerely

Trevor Mansfield  
**Head of Policy – Farming & Land Use**

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